

Hydraulic Code Rules Revision

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Overview

- 1. Purpose of the rule update**
- 2. Goals for the rule changes**
- 3. Stakeholder and public involvement**
- 4. Programmatic EIS purpose and comments**
- 5. Proposed hydraulic code rule comments and changes**
- 6. Next steps once the rules are adopted**

Purpose of the Rule Update

- Consistency with changes to the statute
- Adequately reflect evolving fish science
- Incorporate improved project design and construction technology



Goals for Rule Changes

- **Effective**
- **Reasonable**
- **Certainty**
- **Flexible**
- **Cost effective**



Stakeholder and Public Involvement

- **July 28, 2011 – WDFW files a Pre-proposal Statement of Inquiry (CR-101)**
- **June 22, 2012 – WDFW issued a joint Declaration of Significance for the HPA rulemaking action and a SEPA scoping notice.**
- **October 2013 – WDFW prepared Draft Programmatic Environmental Impact Statement (DPEIS), outlining potential impacts of the proposed changes**
- **October/November 2013 – WDFW held eight public meetings**
- **July 2, 2014 – WDFW filed Notice of Proposed Rulemaking (CR-102) providing public notice of the proposed rule changes and the opportunity to comment on those changes**

Stakeholder and Public Involvement

- **July 16, 2014 – WDFW prepared Supplemental Draft PEIS, incorporating comments received during the first public comment period**
- **July 16, 2014 – The proposed rules changes, CR-102, and Small Business Economic Impact Statement were published in the Washington State Register**
- **August 8, 2014 –The Commission conducted a public hearing on the proposed rule changes**
- **October 27, 2014 - WDFW prepared Final PEIS, incorporating comments received during the second public comment period**
- **November 7, 2014 – The Commission will consider adoption of the proposed changes to the state's Hydraulic Code rules**

Purpose - Programmatic EIS (PEIS)

Provide information to evaluate the impacts of the proposed rule alternatives:

- 1. No action – current rules**
- 2. Preferred Alternative**
- 3. Increased protection for fish life**
- 4. Increased protection for the built environment**



Supplemental PEIS Comments

- **Comments highlighted where clarification was needed:**
 - Ch. 1 Introduction
 - Section 1.2 SEPA process
 - Section 1.5 Concurrent jurisdictions and authorities
 - Ch. 2 Descriptions of alternatives and our use of science
 - Ch. 4 Impacts analysis



SPEIS Comment Topics

- **Statutory Authority and geographic jurisdiction**
- **Process for rule development and SEPA**
- **Mitigation**
- **Overlap between HPA and other laws and rules**
- **Protection and recovery of ESA listed species**
- **Science in support of rulemaking**
- **Rule Change Comments**

Hydraulic Code Rule Comments

**Ranged from very specific
language changes to
more general concerns**



Finding the Balance

- **Environmental groups and Tribes believe the revised rules do not provide enough protection**
- **Regulated community believe the revised rules increase cost of compliance**



Hydraulic Code Rule Changes

- Recommended adjustments to the Cr-102 Rules
 - Improve readability
 - Improve clarity
 - Improve consistency
 - Reduce redundancy



Comments on Economic Analysis

WDFW received many comments on the economic analysis and Small Business Economic Impact Statement



Next Steps

- **Communication Plan**
- **Implementation monitoring/feedback**
 - Tribes
 - Environmental groups
 - Regulated community
- **Science and effectiveness monitoring**
- **Additional rule development**



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 - Commenters

